

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PARLIN FUNDS LLC and the THE PARLIN
FAMILY FOUNDATION,

Plaintiffs,

11 Civ. 2534 (ALC) (MHD)

- against -

ORDER

TYRONE GILLIAMS, TL GILLIAMS, LLC,
EVERETTE L. SCOTT, JR., ELAM & SCOTT,
LLP, THE SCOTT LAW GROUP, L.L.C.,
VASSILIS MORFOPOULOS, BASIC
INTERNATIONAL DEVELOPMENT CORPORATION,
THE H.E.A.R.T.T. FOUNDATION and BRETT M.
SMITH a/k/a "BRETT ANGELSON,"
J.R. DELGADO and GLOBAL FORTRESS, INC.,

Defendants.

ANDREW L. CARTER, JR., United States District Judge:

Plaintiffs Parlin Funds LLC and the Parlin Family Foundation commenced this lawsuit in April 2011, alleging claims for fraud, negligent misrepresentation, aiding and abetting fraud, conversion, breach of contract, breach of fiduciary duty, unjust enrichment and negligence. These claims arise from plaintiffs' \$4 million investment in defendants' purportedly "fraudulent 'investment' scheme." (Am. Compl. ¶ 1). In July 2011, Judge Jed S. Rakoff referred all general pretrial and dispositive motions to Magistrate Judge Michael H. Dolinger. This case was transferred to my docket on January 9, 2012.

Various parties have made a series of motions. Defendants Tyrone Gilliams and an entity known as TL Gilliams, LLC have filed motions to dismiss the original and amended complaints, and defendants J.R. Delgado and Global Fortress, Inc.


("Fortress") have also moved to dismiss the amended complaint. Plaintiffs have moved to disqualify G. Lynn Thorpe, Esq., from representing defendants Delgado and Fortress and have moved for a default judgment against Mr. Gilliams and TL Gilliams, LLC.

On November 28, 2011, Magistrate Judge Dolinger issued a report recommending the following: (1) that plaintiffs' motion for default judgment against TL Gilliams, LLC be granted unless the company procures an appearance by an attorney on its behalf within two weeks from the adoption of his Report and Recommendation, (2) that plaintiffs' equivalent motion for a default against Gilliams be denied, (3) that the motions of Gilliams and TL Gilliams, LLC to dismiss the original and amended complaints be denied, (4) that the motion by Delgado and Fortress to dismiss the amended complaint be denied, and (5) that plaintiffs' motion to disqualify Thorpe as counsel for Delgado and Fortress be denied without prejudice. In his Report, Judge Dolinger advised the parties that failure to file timely objections to the Report would constitute waiver of those objections. See § 636(b)(1)(c); Fed. R. Civ. P. 72(b)(2).

No objections have been filed. Thus, the Court reviews the report and recommendation for clear error and finds none. See Fed. R. Civ. P. 72(a). Accordingly, Judge Dolinger's well-reasoned report and recommendation is adopted in its entirety as the opinion of the Court. If defendant TL Gilliams does not procure an appearance by an attorney on its behalf by 5:00 P.M. on January 25, 2012, then the Clerk of Court is respectfully directed to enter a default judgment against it.

Dated: New York, New York
January 10, 2012

SO ORDERED.



Andrew L. Carter, Jr.
United States District Judge